

- UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE  
COMPANY,

Defendant.

§ Case No. 2:24-cv-00093-JRG  
§ (Lead Case)

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§ **JURY TRIAL DEMANDED**

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VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORP.,

Defendant.

§ Case No. 2:24-cv-00064-JRG  
§ (Member Case)

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§ **JURY TRIAL DEMANDED**

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**DECLARATION OF NATE NGEREBARA**  
**IN SUPPORT OF DEFENDANT INTERNATIONAL BUSINESS**  
**MACHINE'S OPPOSITION TO PLAINTIFF VIRTAMOVE**  
**CORP.'S MOTION TO COMPEL (DKT. 196)**

I, Nate Ngerebara, declare and state as follows:

1. I am a member of the State Bar of California, an attorney at the firm of Kirkland & Ellis, LLP, and counsel of record for Defendant International Business Machines Corp. (IBM), in the above-captioned actions. I have personal knowledge of the facts set forth herein, and if called upon to testify, I could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from Plaintiff's VirtaMove, Corp.'s Preliminary Disclosure of Asserted Claim and Infringement Contentions, served on June 5, 2024.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from Defendant IBM's Response to VirtaMove's Interrogatory No. 5 dated July 29, 2025; and IBM's First Supplemental Response to VirtaMove's Interrogatories No. 6 and No. 9, dated November 15, 2024.

4. Attached as Exhibit 3 is a true and correct copy of excerpts from a letter sent by my colleague Kyle Calhoun to Reza Mirzaie (counsel for VirtaMove), dated December 12, 2024; an email from me to Christian Conkle (counsel for VirtaMove), dated March 13, 2025; and an email from Christian Conkle (counsel for VirtaMove) to me, dated March 10, 2025.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from a letter from me to Mr. Daniel Kolko (counsel for VirtaMove) dated April 30, 2025; an excerpt from IBM's Objections to VirtaMove's Notice of 30(b)(6) Deposition, dated April 29, 2025; and an email from Jefferson Cummings (counsel for VirtaMove) to me, dated May 9, 2025.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 2025 at San Francisco, CA.

/s/ Nate Ngerebara

Nate Ngerebara